

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Lightning Technologies, Inc.,

Case No. 21-41019

Chapter 7

Honorable Thomas J. Tucker

Debtor.

_____ /

Karen E. Evangelista, Chapter 7 Trustee,

Adv. Proc. No. 23-04055

Plaintiff,

v.

BB Invescor I, LLC,

Defendant.

_____ /

REPORT OF PARTIES' RULE 26(f) CONFERENCE

Pursuant to Fed. R. Bankr. P. 7026 and Fed. R. Civ. P. 26(f), a conference was held on March 10, 2023 and was participated in by:

- 1) Erika D. Hart, Counsel for Plaintiff.
- 2) Kimberly Ross Clayson, Counsel for Defendant.

This is submitted as the required report of that conference.

(1) Initial Disclosures required by Fed. R. Civ. P. 26(a)(1).

[X] The parties will provide such by April 7, 2023.

[] The parties agree to provide the following at the times indicated:

(2) Discovery Plan. The parties jointly propose to the Court the following discovery plan in conformance with Fed. R. Civ. P. 26(f)(3):

- (a) Discovery will be needed on the following subjects: All aspects of Plaintiff's claims (including, but not limited to, the perfection of Defendant's alleged secured claim and basis and amounts included in Defendant's alleged loan to Debtor) and Defendant's defenses.
- (b) All discovery commenced in time to be completed by August 31, 2023.
- (c) Maximum of 30 interrogatories by each party to any other party. [Responses due 30 days after service.]
- (d) Maximum of 30 requests for admission by each party to any other party. [Responses due 30 days after service.]
- (e) Maximum of 5 depositions by Plaintiff and 5 by Defendant.
- (f) Each deposition limited to maximum of 7 hours unless extended by agreement of parties.
- (g) Reports from retained experts under Fed. R. Bankr. P. 26(a)(2) due:

from Plaintiff by June 30, 2023

from Defendant by June 30, 2023

Rebuttal Reports under Rule 26(a)(2)(D)(ii) due:

from Plaintiff by July 21, 2023

from Defendant by July 21, 2023

- (h) Supplementation under Fed. R. Civ. P. 26(e) due upon discovery.
- (i) Discovery of electronically stored information:

- (i) This adversary proceeding does involve the discovery of electronically stored information
- (ii) Pursuant to E.D. Mich. LBR 7026-4, the Model Order Relating to the Discovery of Electronically Stored Information approved by the District Court will apply.

(3) Other Agreed Upon Items.

- (a) Plaintiff is granted leave through, and the deadline is April 17, 2023 to join additional parties and to amend the pleadings.
- (b) Defendant is granted leave through, and the deadline is April 17, 2023 to join additional parties and to amend the pleadings.
- (c) All potentially dispositive motions must be filed by September 22, 2023.
- (d) The proceeding will be ready for trial by November 30, 2023. The trial is expected to take approximately one trial day.

(e) Jury Trial Matters.

- (i) ☒ a jury trial was not timely demanded and is waived; or
 - ☐ a jury trial was timely demanded, but is waived; or
 - ☐ a jury trial was timely demanded but not waived.
- (ii) ☐ the parties consent to the Bankruptcy Court conducting the jury trial; or
 - ☐ the parties do not at this time consent to the Bankruptcy Court conducting the jury trial.

(f) The parties agree that:

- ☒ This is a core proceeding; or
- ☐ This is a non-core proceeding otherwise related to the bankruptcy case.

(g) ☒ [X] The Parties consent to the Bankruptcy Court entering a final order or judgment in this proceeding; or

☐ [] The parties do not consent to the Bankruptcy Court entering a final order or judgment in this proceeding.

(4) Other matters: N/A

(5) Matters not agreed upon or insufficiently addressed by the foregoing:
N/A

THE TAUNT LAW FIRM

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Dated: March 14, 2023

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